COMMISSIONER SMITH'S REPORT JUSTIFYING IT.

He Says That for Many Years the Standard Obiamed a Rebate on Shipments of Oil on the Alton Route and Profited Many fillions Through Violation of Law

WASHINGTON, Dec. 29 .- The spat between the Government and the Standard Oil Company over the justice of its con-viction for rebating in the so-called Alton case, which resulted in the infliction of the \$29,000,000 fine, continues. To-day there was added to the literature on the subject the report of Commissioner Herbert Knox Smith of the Bureau of Corporations in answer to the pamphlet sent out by the Standard early in October. Mr Smith's answer was called for by Secretary Straus of the Department of Commerce and Labor ecause Mr Smith's Bureau of Corporations discovered the discriminations and reported on them to the President in May.

Mr. Smith devotes most of his report to answering James A. Moffett. He says the indictments of the Standard Oil Company were based upon his 1900 report, which "set forth in detail the deliberate, long coninued conduct on the part of the Standard in violating the anti-rebate laws." The company's statements after the trial and conviction, he says, make it necessary to show once more that the transactions which caused the conviction "were such as struck at the very life and spirit of the Elkins anti-rebate law and of the policy of Congress in forbidding unfairness as between

hippers." Mr. Moffett's assertion that there is question of discrimination or rebate in he case is the main target for Mr. Smith. He says such an assertion is only a quibble and explains the rate juggling by the Alton on oil shipments from Whiting, Ind., to East St. Louis, Ill. The published rate, he says, was 18 cents, and this was the rate flied with the Interstate Commerce Commission. Between September 1, 1903, and March 1, 1905, the Standard Oil Company of Indiana shipped 1,462 cars of oil over the Alton at a six cent rate, or one-third of the published price. Nobody else got the six cent rate, says Mr. Smith, and the Standard enjoyed it for many years. No other shipper of oil partock of it.

Apparently the position of Mr. Moffett is that if he had actually paid the Alton ailroad 18 cents per 100 pounds and re-Bailroad 18 cents per 100 pounds and received back 12 cents, so as to make a net
rate of 6 cents, this would have been a
"souts" "says Mr. Smith. "But that because the lawful rate was 18 cents and his
company only paid 6, and the balance
(12 cents) never physically passed back
and forth between his company and the
Alton Railroad, although the result was
exactly the same, it was not a 'rebate.'
This statement is simply an evasion."
Mr. Moffest also said there was no disrimination in the case. On this point Mr.
Smith replies:

Apparently his position is that, because e else is known to have paid the pubshed 18 cent rate from Whiting to East St. tonis while his company was paying 8 cents, herefore there is no discrimination. On contrary this very situation proves that not only was there discrimination but that this discrimination had worked out its logical result, so that no one else could ship at 18 cents in competition with the Standard's cent rate. Precisely this and other secret discriminations in shipments from Whiting produced that complete state of monopoly vicinity of Chicago which the Stand ard now calmly designates as "absence of

This & cent Alton rate was a "rebate" in ence, if not in form, and both in essence and in form it was a discrimination of the

The chief ground upon which the Standard defends itself is the so-called "Chicago and Eastern Illinois rate." The claim is that pments of oil were going on at 6 cents over the Alton Railroad there existed at the same time over the Chicago and Eastern ig to East St. Louis. The Standard claims that this 6% cent rate was a legal rate and that therefore, inasmuch as the Standard could have shipped all its oil at this alleged egal rate over the Chicago and Eastern Illinois, it was justified in accepting a like rate over the Alton and thus that even if these shipments, over the Alton were technically illegal there was no moral wrong

So far from this "Chicago and Eastern Illinois rate" being a justification for the Alton shipments it was an additional wrong in itself. The Chicago and Eastern Illinois rate was quite as secret as the Alton rate and was merely one more instance of the ingenious and deliberate attempts of the Standard to evade, or violate with imp the whole spirit of the anti-discrimination

The facts as to this "justifying" rate are as follows: In October, 1895, the Chicago and Eastern Illinois Railroad filed with the Interstate Commerce Commission a single m graph sheet stating that the rate on oil from Dolton, Ill., to East St. Louis was 614 cents per hundred pounds. There is no evidence that this sheet was ever distributed to any shipper except the Standard Oil Company.

This rate read "from Dolton," not from Whiting or Chicago. A note, however, indicated that it might also be used from Whiting. But up independent shipper who vented to ship oil from Chicago or Whiting to East St. Louis or St. Louis would ever think of looking for a rate from Dolton. Dolton is a village of about 1,500 population just outside of Chicago. Its only claim to note is that it has been for many years the point of origin for this and similar rates. Concealment is the only motive for such a circuitous arrangement. Such was

And, as a matter of fact, no other shipper knew of any 6 or 61, cent rate. Although such knowledge would have been very important in mitigation of the fine, the Stan made no attempt to prove such knowledge in the trial of the Chicago case.

Mr. Moffett, however, in his said statenent was unfortunate enough to make the claim that "thousands of tons of freight have been shipped from these points during the last fifteen years under the same circumstances as the Standard shipments. The Grand Jury, on instructions from

Judge Landis, thereupon summoned Mr. Maffett before it, and reported to Judge andis on October 4, in part, as follows; "He (Mr. Moffett, was also unable to give o the Grand Jury information as to the ship want of a single pound of freight except by in question at a rate less than the lawfully published and filed rate."

This remarkable admission of Mr. Moffett shows the general value of his defence. The gain which the Standard enjoyed

as a result of rate discrimination is sur

the great Southwest by means of this six cent rate to the St. Louis gateway, and, having undersold them and driven them out of that territory, it then raised prices to a monopoly figure, so that its marketing concern there was making over 690 per cent. on its capital stock in 1904, and for a long series of years had been making profits extortionately high bese profits were thus based on this secret discrimination which had been in existence over fifteen years. The enjoyment of this discriminatory rate was well worth many pillions of dollars to the Standard and mos emphatically justified the imposition of a great'fine when that rate was finally dis covered and conviction was secured thereon

Advertisements for THE SUN and THE EVENING

e in the city.

But Budelph Paville, by Grace of Wife and

Rudolp's Pavilly found himself in the Yorkville police court yesterday instead of out on the ocean bound for Hamburg. He wasn't sure in his own mind whether he had been kidnapped or was another

kind of a victim. Pavlik's wife had not been included in a contemplated trip to Europe, but she got word of it and squeezed out of an exressman the news that her husband's trunks had gone to the Hamburg-American steamship dock at Hoboken. She bustled to the Yorkville police court and got a warrant from Magistrate Cornell for

got a warrant from Magistrate Cornell for Pavlik's arrest on the charge of non-support. With Court Policeman O'Neil she went over to Hoboken to the Hamburg-American docks on Saturday morning, "Yah, der Bresident Grant goes by 10 o'clock," a dock employee told them. They went aboard and peeked into all sorts of corners until an officer ordered them to get ashore as the steamship was going to pull out. O'Neil showed his war-rant.

rant,
"This is German territory and your
papers are no good. Anyhow, this is New
Jersey, and your warrant was issued in
New York," the ship's officer said. "Hurry

Jersey, and your warrant was issued in New York," the ship's officer said. "Hurry up and get off!"

O'Neil made as if to go to the gangway, but led the woman to the second cabin instead. At an open door Mrs. Pavlik orled:

"There he is! There's my huaband!"
The man inside tried to close the cabin door, but the policeman pulled him out. The last bell was ringing when Pavlik, pulled by the policeman and pushed by his wife, bounced down the gangway.

And then to them a Hoboken policeman:
"That warrant is no good in Jersey. You cannot take that prisoner across the ferry. If you try it I'll arrest you for kidnapping."

The President Grant backed out into the North River and headed toward Quarantine with Pavlik's trunks. The two policemen and the pavlik's trunks. The two policeman and advised him to beware of the crime of kidnapping.

O'Neil had a talk with the woman and she a talk with her hueband.

"I am going to withdraw the complaint and you can go to Europe on the next steamer. If you don't love me enough to stay, then go. Come over to the house and take the rest of your things," she said to him.

When the ferryboat touched Manhattan

to him.

When the ferryboat touched Manhattan the policeman again showed his warrant and took the husband to the East Fifty-first street station. When the prisoner was arraigned vesterday Magistrate Cornell commended the policeman's persistence in getting Pavlik where he was most wanted.
Pavlik was held in \$500 bail for examination on Thursday. Not having a bondsman handy he was locked up. Mrs. Pavlik
is resting at her home, 1374 First avenue.

RETIRED POLICEMAN KILLED. Charles Quinn, Who Was on the Force 33 Years, Falls From a Car.

Charles Quinn, 61 years old, who was policeman for thirty-three years before he was retired on a pension two years ago. died early yesterday morning in the Williamsburg Hospital of injuries he had sustained the night before by falling from a car of the crosstown line at Grand street and Driggs avenue, Williamsburg. It had been Quinn's custom since he re-

tired from the force to pass the evenings men's Association at Bedford avenue and North First street. He was there until a late hour on Saturday night and when he set out to go to his home at 173 North Fifth street he went to Driggs avenue and Grand street to get a car. Two of his four daughters, Nina and Julia, were in the crosstown car which he boarded. They saw him from inside the car and beckened to him. Quinn was the last person to

As the car started and Quinn's daughters were looking around to see if he would join them they heard somebody shouting that a man had fallen off the car. They that a man had fallen off the car. They became alarmed because they felt it was their father who had met with the accident. When the car stopped it was found that Quinn, evidently having slipped from the step of the rear platform, had fallen on his head and sustained a fracture of the skull. He was unconscious and was removed in an ambulance to the Williamsburg Hospital, where he died an hour iamsburg Hospital, where he died an hour

Quinn was born in Williamsburg. Who the civil war began he was 15 years old, but he enlisted and served until the close, participating in more than a dozen important battles. He was wounded several times and the Meteopolitan police force and during the the Meteopolitan police force and during the thirty-three years, with the exception of nine months, he was attached to the Bedford avenue police station in Williamsburg. He was one of the organizers of Mansfield Post, G. A. R., and afterward always prominently identified with it. always prominently identified His wife died ten years ago.

MURDER GERM IN HARD CIDER.

Vermont Man, After Drinking, Shoot Mother-in-Law Dead Then Kills Himself. BARTON, Vt., Dec. 29.-Edward Butterfield, a farme, living in the town of Sutton, shot and killed Mrs. Lydia M. Durkee, his mother-in-law, last night, and after driving the rest of the family from the house mounted guard over the corpse, declaring he would kill any one who attempted

Some time in the night he committee uicide. Butterfield drank much hard cider on

Butterfield drank much hard cider on Saturday and when he went to his supper was in a bad humor. After the meal to read to he was in a bad humor. After the meal to read to he was in a rocking chair and took up her knitting. About 8 o'clock Butterfield took his rifle from a closet and without warsing killed the old woman. Mrs. Butterfield and three sone attempted to disarm the murderer, but he drove them from the house at the rifle point and then barricaded the doors.

The boys notified the authorities and Deputy Sheriff Chapman went to the farmhouse. Butterfield had added a double barrielled shotgun to his armament meantime and told Chapman that he would shoot any one who tried to enter. Later Deputy Sheriff Harriman and a dozen other armed men surrounded the house to await Butterfield's exit. After surrise this morning, when no sound was heard this morning, when no sound was heard in the house, a deputy orept stealthily through a window and discovered Butter-field dead in bed with a bullet wound in

CHRISTMAS PRESENT FOR BAIL. Franklin String Gets His Chauffeur Out

With His New Watch and Chain. Pranklin String of 138 Monroe street, Brooklyn, his wife and two daughters, motored to Larchmont yesterday to call on some friends. In Manhattau on their way back, Policeman Shields arrested their changeur for speeding

chaufteur for speeding.

At the station house Mr. String found that he did not have \$100 cash, so he offered a Christmas present from his wife and caughters, a watch and chain valued at \$400, which was accepted as bail for

Secretary Taft Starts for Boston.

WASHINGTON, Dec. 39 .- Secretary of War William H. Taft left Washington to-day on the Federal Express for Boston, where he will make a notable address to-morrow night before the Merchants Association of night before the Merchants Association of
that city. He will arrive in Boston early
to-morrow morning and during his stay
there will be the guest of his cousin, Mrs.
Samuel Carr. To-morrow morning he will
make a short speech before the Boston,
Ministers Association and in the afternoon
a luncheon will be given him by the Elysium
Club. Mr. Taft will leave Boston on Tuesday morning for Millbury, Mass. He will
return to Washington Wednesday morning.

STANDARD'S \$29,000,000 FIRE THE SALES FOR MARRIED TO SAYE PORTO RICO'S ARMY

APPEAL TO CONGRESS FOR RE-ORGANIZATION AND MONEY.

emarkable Effect of the Native Regimen in Toning Up the Peasentry—Annual Cost \$150,000—Secretary Root, Onco Hostile, New Favors Its Maintenance.

San Juan, Dec. 23.-The spasmodio extence of the Porto Rico regiment is againthreatened unless Congress passes the measure which has been presented or some substitute for it. The regiment ever since its creation has lived from one fiscal year to another, but has always saved itself from dissolution by an extremely slim margin.

The opposition against the organization has been very bitter in Congress as well as in official circles. In 1903 Secretary Root, then Secretary of War, recommended the discontinuance of the regiment, but its friends availed themselves of the press of usiness attendant on a long session and succeeded in securing an appropriation to carry it over until 1904.

At this time a bill was introduced to continue the regiment for four years more, expiring June 30, 1908. When the measure came before the Committee on Military Affairs, Secretary Root, called to express his sentiments, stated that it was undoubtedly a useful thing to have a body of Porto Ricans who are serving under the United States flag and acquiring discipline and subordination and the sentiment of loyalty that comes from military service. While he did not think that there was any special necessity for it from a military point of view yet that consideration was a very strong one. Those views were not shared, however, by many Congressmen, who derided the assimilating influence of

In the Senate the fight was continued with Senator Foraker favoring the regiment and Senator Teller strongly antagonistic. The attitude of the War Department influenced the legislators to a considerable degree. But, irrespective of the contentions that the regiment was not serving a purpose of offence or defence or doing police duty, it still had many aspects favorable to its retention.

From a standpoint of scientific govern ment the organization has been potently effective. The native, always looked upon with distrust and suspicion in the Spanish times, found himself under the American regime worthy of confidence. A body of soldiers composed exclusively of Porto Ricans with Porto Rican officers was never even dreamed of in former times, and the influence this has exerted is inconceivable. The cost of maintenance, the cry of the opposition, is infinitesimally small compared with the good that has been accomplished.

The experise annually of the regiment Most of the men who have been enlisted in the Porto Rioan regiment have been jibaros peasants who have lived in small interior towns or in the mountainous districts. Up to the time of enlistment their existence was an aimless one; they were indoient, indifferent as to their personal appearance lumbering in their movements. appearance, lumbering in their movements and poorly fed and disorderly. A year of military life and there is a wonderful change. Good food, exercise, drill and regular hours have made them bright, healthy and ambitious men. They have acquired a knowledge of English, and this, together with their honorable discharge, has given them openings which even ability and influence would be a conveyed. City life attracts not have secured. City life attracts many, and after being mustered out they seek some employment in the city. Those who return to their country homes are regarded

return to their country homes are regarded with more consideration.

But the moral good accomplished by the regiment is not its only recommendation. As a military organization it has by no means been a discredit to the United States. In drills its records is very high and in target shooting its marks are very good, many medals being carried off, going so far as to qualify for the international competition. Every army inspector that has been here has commended the regiment. has commended the regiment.

The prejudices existing in official circles o the island of the different members of the Cabinet and Congress. Secretary Root, who was one of its opponents, has changed his views to the extent of becoming an ad herent of the regiment since he paid Porto Rico a visit. Mr. Root has gone so far as to write a letter to Capt. Ralph Gambell to write a letter to Capt. Raiph cambeil expressing his commendatory views and authorizing the recipient to make public use of same if he so desires.

The only United States forces here are the marines at the San Juan naval station.

It is several years since the Regular troops were withdrawn, the last to go being the Coast Artillery companies which manned the two forts, Moro and San Cristobal. These coast defences are without any artillery guard whatsoever. Though the Porto Rican regiment occupies the quarters, it is not familiar, nor is it expected to be familiar, with artillery work. The abolition of the native troops would leave the forts totally deserted.

The regiment, under the law which estabished it, was to be composed of three battalions, but only two were mustered in. It was discretional with the President to organize it up to its full strength, but he organize it up to its full strength, but he never did so. One of the battalions was composed of four mounted companies, but the cry for useless expenditures supplanted the mounted troops with infantry. The two battalions now composing the, regiment are made up of eight companies, six stationed at San Juan and two at Cayey

mand of fourteen American and ten Porto

Rican officers. All the Captains are Americans. The natives are either First or Second The measure which will be presented to Congress calls for the permanent establishment of the regiment, with the recommissioning of all those officers (referring to the Americans) who in compliance with the act of 1901 passed a mental, physical and professional examination. The Porto Ricans, under another section of this projects. The measure which will be presented to jected measure, will also be reappointed after taking the examination taken by

CHILDREN SEE A SUICIDE.

Greenpoint Man Who Grieved for the Loss of Wife and Child Shoots Himself.

In the presence of a large number of children who were returning from Sunday school yesterday afternoon and had reached the vicinity of Oakland street and Nassau avenue, Greenpoint, Joseph Ford, 45 years old, who lived at 95 Norman avenue, shot and killed himself. Grief over the death of his wife and a daughter about a year ago is believed to have prompted the act. Ford took the death of his wife and child

greatly to heart and on Christmas he was norose and spoke of the many happy days he had spent with his family. Yesterday he was in a depressed frame of mind and went out early in the afternoon. He watched the children going to their re-spective Sunday schools and when they were on their way home he again watched them and their teachers.

were on their way home he again watched them and their teachers.

He was seen to enter a saloon at Oakland street and Nassau avenue, where after having a drink of whiskey he went out and while in front of 71 Oakland street with children all around him he suddenly drew a .38 calibre revolver, placed the muzzle to his right ear and fired one shot. He fell dead with a bullet in his brain.

The shooting caused intense excitement and as the children and teachers scattered in all directions another crowd gathered around the dead man. Ambulance Surgeon Dangler, who was summoned from

around the dead man. Ambulance Surgeon Dangler, who was summoned from
the Williamsburg Hospital, said that death
was instantaneous. The body was removed to the Greenpoint avenue police
station, where the identity was established
through papers in the pockets. A brother,
Thomas Powell Ford of 485 East Seventeenth street, Flatbush, daimed the body.

THE CRATER IN ABIDONA. Prof. Merrill Thinks It the Record of the Impact of a Huge Meteor.

THE SUN, MONDAY, DECEMBER 30. 1807.

WASHINGTON, Dec. 29. A grant from abled Prof. George P. Merrill of the United States National Museum to study the geologic origin of a peculiar large craterform depression in the desert near Canon Diablo, Ariz, It is nearly three-quarters of a mile across and about six hundred feet deep. Since it was brought to the notice of men of science this hole has caused much discussion, some believing it to be an extinct volcano and others the record of the impact of a huge meteor which struck the earth centuries ago. In speaking of his conclusions Prof. Merrill leans toward the meteor theory.

"The crater," he says, "could not have been formed by any volcanic action, for all been formed by any volcanic action, for all the phenomena have a superficial nature. Some three hundred feet of overlying lime-stone and five hundred feet of sandstone have been thoroughly shattered as though by some powerful blow, and the quartz particles in the sandstone in part fused, indicating a very high degree of heat. Underlying sandstone, however, is entirely unchanged. This, of course, absolutely precludes the formation of a crater by any deep seated agency; and I have been forced to consider an origin by impact of a stellar body."

to consider an origin by impact of a stellar body."

"An exhaustive study of the known meteoric falls shows that there is no record of any fall comparable with this. The largest known meteorites, such as that brought by Commander Peary from Cape York, Greenland, or the enormous irona from Oergon, having fallen with so little force as to scarcely bury themselves. The nearest approach to the Cafion Diablo occurrence happened in Knyahinya, Hungary, in 1866, when a 860 pound stone penetrated the ground to the depth of 11 feet.

"No meteoric mass of sufficient size to have made this enormous crater has been brought to light, but there still remains the possibility of its having become entirely dissipated through the heat developed by its impact while travelling at a speed of many miles a second."

OPENING NEW COAL FIELDS. Extensive Beds in California—800,000,000

WASHINGTON, Dec. 29.-The best coal on the Pacific coast south of Washington is unique as to its geologic age. Early in l'ertiary time, ages after the carboniferous desposits that formed the great coal beds of the Eastern and Interior States had been laid down, Stone Canvon, in the southeast corner of Monterey county, California, was the site of a marshy tract in which were gathered the materials that are now hardened into an extensive bed of bitumi-nous coal. The bed is about fifteen feet nous coal. The bed is about lifteen root thick and has been traced for several miles. It is mined at two openings, but no shipments have yet been made, owing to lack milroad connections.

railroad connections.

Analyses of the coal by F. M. Stanton show that it is a good gas making coal, of excellent heating power. It contains little moisture, but considerable sulphur. Several hundred tons are now piled up at the mine awaiting the construction of a railroad, and as the coal is hard and does not slake it should stand transportation

counties in eastern Kentucky, a the heads of Elkhorn and Shelby creeks and of Boone Fork, were made accessible by the recent construction of a branch of the Chesapeake construction of a branch of the Chesapeake and Ohio Ralway, and in view of the pros-pective importance of these beds a recon-naissance of the region was made in 1906 by Ralph W. Stone, geologist, of the United States Geological Survey. The mines are worked by the room and pillar system and the coal is shot from the solid. Their capacity at the close of 1906 was about a thousand tone daily. The

was about a thousand tons daily. The field contains six coal beds of workable thickness, and the coal is of excellent

coal and contains an estimate of the quantity available for mining in the several beds, which aggregates the enormous total of \$90,000,000 tons.

AOKI STARTS FOR JAPAN TO-DAY. Will Probably Not Return, as Ambassa

WASHINGTON, Dec. 29.-Viscount Siuzo Aoki, the Japanese Ambassador to the United States, will leave Washington tomorrow on his way to Japan. He will be accompanied by Viscountess Aoki. They will sail from San Francisco on January 7 on the steamer Manchuria. Ambassador Aoki will probably not return to the United States, although his formal

call has not been announced. Several weeks ago Ambassador Aoki announced that he was going to visit Tokio for the purpose of making a report on the immigration of Japanese into the Pacific Coast States and on several other matters in which Japan and the United States are mutually interested. Shortly after this announcement Ambassador O'Brien, the American diplomatic representative at Tokio, notified the State Department that Ambassador Aoki would not probably return to the United States. Ambassador O'Brien added that Ambassador Aoki would in all probability be succeeded by Kogora Takahira, the former Japanese Minister to the United States, who is at

present stationed at Rome.
Mr. Takahira was one of the Japanese epresentatives at the peace conference held t Portsmouth, N. H., in the summer of 1965. when the treaty of peace settling the Russo-Japanese war was negotiated

CRUISE OF THE GALILEE.

The Vacht Making a Magnetle Survey of

the Pacific May Avoid the Battleship Fleet. WASHINGTON, Dec. 29 .- The cruise of the attleship fleet along the west coast of South America may interfere with the plans of the yacht Galilee, which under a grant of the Carnegie Institute of this city s making a magnetic survey of the Pacific Ocean. The Galilee is now at Christchurch, New Zealand, and after completing her survey work in that vicinity she is expected to sail for Callao. The Galilee has completed survey work in the northern part of the Pacific Ocean and since August, 1905, when the expedition started out, has cruised about 55,000 miles from the Aleutian Islands to Christohurch. The object of the investigation is to ascertain the magnetic varia-tion in various parts of the ocean for the information of mariners and for the cor-

information of mariners and to rection of the existing charts.

The battleship fleet will arrive at Callac on February 18 and will remain there until February 28. The Galilee will probably February 28. The Galilee will probably avoid that port until after the departure of the battleship fleet, because of the fact that the delicate magnetic instruments she carries would be seriously deranged should the yacht approach too near to the battleship fleet. The Galilee will reach San Francisco next May.

Yucatan Hemp Men Form a Trust. MEXICO CITY, Dec. 29.—The hemp growers of Yucatan have organized a comne under the name of the Compania de Haciendados Henequeneros de Yucatan. It has a capital stock of \$15,000,000, and its particular purpose is to maintain the price of the hemp product and to wage a fight against what is known as the binder trust of the United States.

Sheriff Bob Chapler of Dutchess county secured the first box for the annual masque and ball of the Lawrence L. Hart Association, to be given in Tammany Hall Friday evening. January 10. Other purchasers were Congressman D. J. Riordan, Marie Lloyd, John L. Sullivan, Timothy P. Sulli-van, Municipal Justices Hoffman and Josephs and Senator Christie D. Sullivan.

Try them for lunch

and you will have them

Uneeda

Biscuit

staple made from wheat.

CARPENTERS NOT AGGRESSIVE.

Not Inclined to Force a Strike Over the

Issue of Union Wood Trim.

No particular programme appeared to have been decided on yesterday by the district council of the Brotherhood of

Carpenters to meet the new condition of

affairs which confronts them on January 2.

when for the first time in a number of years

hey will be under no agreement with the

It is admitted by the carpenters that

one-half of their members at least are idle.

yet in spite of this their representatives

in the council at the final conference with

The most nutritious

In moisture and

dust proof packages.

NATIONAL BISCUIT COMPANY

for dinner.

STAFF DEMANDS POSITIVE RANK AND TITLE.

THE CONTROVERSY IN THE NAVY

The second of the second

Sub-Board, of Which Surgeon-General Rixey Was President, So Reported to the Personnel Board, but the Demand or Recommendation Was Ignored. WASHINGTON, Dec. 29 .- In its report to the Secretary of the Navy the Naval Per-

sonnel Board ignored recommendations of sub-boards composed of officers of the Medical Corps, the Pay Corps and the Corps of Civil Engineers that the positive rank and title of Rear Admiral, Captain, Commander, &c., be granted the commissioned members of these corps instead of being required to use the present designations of medical inspector or surgeon or paymaster or civil engineer, or any other similar present identifying title.

This attitude of the personnel board, of which Truman H. Newberry, Assistant Secretary of the Navy, is president, has a marked bearing on the controversy growing out of Rear Admiral Willard H. Brownson's refusal to continue as chief of the Bureau of Navigation after President Roosevelt had decided that a naval surgeon should be placed in command of the hos-

pital ship Relief. Surgeon-General Presley M. Rixey. who carried the day against Rear Admiral Brownson, was president of a sub-board which recommended to the Newberry board that there should be, in the Naval Medical Corps a chief with the title of Rear Admiral whose rank and pay should be the same as that of a Major-General of the army, and three other Rear Admirals with the pay of a Brigadicr-General of the army, and that all the other medical officers should have military rank and title from Captain to Junior Lieutenant. It was this recommendation which the Newberry board

ignored in its report. The several reports were made public vesterday. Surgeon-General Rixey was away when the Newberry report was submitted, but the two other members of the sub-board, Medical Director George E. H. Harmon and Surgeon James F. Leys, made a response in which they repeat in greater detail their reasons and the Surgeon-Gen-eral's for their recommendations in re-gard to direct military rank and title.

gard to direct military rank and title.

Medical Director Harmon and Surgeon
Leys protest against medical officers being
deprived of military title and rank. The
effect of withholding military titles, they
say, confers an equivocal rank on a medical
officer "which places him in an anomalous
position in his relations with officers and
men of the navy, with officers of the army and other military organizations and with civilians." They say also of the recommendation made by Surgeon-General Rixey and themselves that the Surgeon-General and three other medical officers should have the rank of Rear Admiral.

"There is surely no good reason," they

"There is surely no good reason," they say, "why flag rank should not be open to officers of the Medical Corps of our navy as in the navies of the other great nations of the world, or why they should be denied a just share in the higher honors toward a just share in the higher honors toward the end of a lifelong service in the navy."
The sub-board of the Pay Corps, consisting of former Paymaster-General Harris and Pay Inspectors Arms and McGowan, called the attention of the Newberry board to the fact that it had ignored the sub-board's recommendation of distinctive rank titles for pay officers. In this communication the sub-board said:
"It has been said that titles indicative of

"It has been said that titles indicative of rank are primarily and necessarily indica-tive of and inherent in the right to 'com-mand ships and men'; but this does not hold true, for there are on the active list commanders and captains who are by law restricted in their work to 'engineer duty only on shore only' and are ineligible for duty in 'command of ships and men."

DIVISION OF TORPEDO BOATS. A Strong Fleet to Be Mobilized for Ma nœuvres Off the Atlantic Coast.

WASHINGTON, Dec. 29 .- A strong fleet of torpedo boats and submarines will be mobilized early next summer and manouvres will be held off some convenient part of the Atlantic coast. The exact scene of the manœuvres has not been determined and will not be for several weeks, but it is probable that the exercises will take place either in Narraganaett or Chesapeake Bay. Several months ago Commander Charles

C. Marsh was authorized by the Depart-ment to prepare plans for the manœuvres. Commander Marsh is at present a member of the Board of Inspection and Survey, but he will be detached from this duty shortly in order to allow him more time to devote to the preparations for the summe It is proposed to form a torpedo boat

division similar to that existing in the British navy. This division will probably consist of two flotillas of submarine boats

the Master Carpenters Association committee on Saturday left the meeting without having reached a settlement, though the employers were willing to continue the present wages, because the carpenters would not agree to eliminate the pledge in the old agreement binding the associa-

Master Carpenters Association.

While the carpenters were talking strike before the final conference there was not much strike talk yesterday. It was frankly admitted that they had been handling wood trim for independent contractors and the general feeling was that they would let the employers take aggressive action first, which might be in the form of a lockout.

tion carpenters not to use non-union wood

A good many of the employing carpenters in the association believe that when January 2 comes they will be free to use any wood trim they like. They hold that having severed negotiations with the carpenters the latter are now out of the arbitration

penters, however, clung to the idea vester-day that they are still under the arbitration plan and that the general arbitration board can be to appealed before a fight begins. George Gaillard, delegate of the brother-hood, said yesterday that while there had been no general strike against independe contractors for using non-union material individual strikes had been ordered bere

and there.
"This is a matter we have been fighting for ten years," he said. "It now looks as if the Master Carpenters Association wants to force us into a general strike against all utside contractors who use non-union trim We are a long way from a strike against the association, I believe, and the next step would be to lay the matter before the step would be to lay the matter before the executive committee of the general arbitra-tion board. All the present contracts of the Master Carpenters Association which are uncompleted call for union wood trim."

FINDS AN ANCIENT FLAG.

Banner, Evidently Made Before 1791, Un. earthed in a Vermont Barn.

ST. ALBANS, Vt., Dec. 29,-John Bullard while cleaning up what is known as the Jed Mack farm, at Swanton Junction, found an old flag, evidently dating back to the Revolutionary period, nearly covered with dust and dirt, rolled up on the sill of an old barn.

The flag is made of homespun linen and 15 feet long and 3 feet 8 inches wide. In the centre is a painting in oil of an eagle the centre is a painting in oil of an eagle perched on a rock, bearing in its talons a shield and arrows, the shield containing thirteen stripes. In its beak it holds a pine sprig. Over the eagle is painted the motto "Independence Forever." The word "Swanton," which appears below the eagle, apparently was added at a later date, as the lettering is in a different hand from that of the motto, and the colors used are not the same. The thirteen stars and thirteen stripes tend to show that it was made before Vermont, in 1791, was admitted as the fourteenth State of the Union.

ROBBED U. S. EXPRESS CO.

Thieves Acquire Wealth With False Labels -Three Men Arrested. Max Fertig and William Garfinkel of

226 East Second street and Harry Scharlot of 46 First street were held in \$1,000 bail each by Magistrate Droege in the Tombs police court yesterday charged with rob-bing the United States Express Company of packages valued at \$200. Examination

of packages valued at \$200. Examination was set for to-morrow.

To is alleged that the men pasted false labels over true addresses and thus had the packages sent to themselves. Fertig and Garfinkel were ar ested on Saturday morning as they were signing for one of the packages, and Scharlot was arrested in the afternoon at 1566 Park avenue, where two of the packages had been sent to M. Rosenthal. The detectives who made the arrest say that no such person as Rosenthal exists.

The express company officials say that they have been robbed recently of many thousands of dollars by means of false labels.

John F. Hogan of 335 East Twenty-third street, who was arrested on Saturday night on suspicion of knowing something about on suspicion of anowing something about the theft of a pawnticket for a \$309 diamond pin from the pocket of Jules Daudrieu at the six day bicycle race, was honorably discharged yesterday by Magistrate Barlow in the Jefferson Market police court. Hogan proved that the ticket found in his possession had been sold to him by a stranger.

A PHANTOM CASH REGISTER.

This Cafe Hadn't Any, but a Detective

See all the seed of

water !

Heard It Ring. Magistrate Cornell became indignant in the Yorkville police court yesterday when he caught Detective Harnett of the East Fifty-first street station in what seemed to be a falsehood.

Along with Harnett was plain clothes man Cummings. They arraigned Charles Lozeling and Charles Koenegess on a charge of excise violation. The former is the proprietor of Lozeling's Café on Fifty-sixth street, between Third and Lexington

The detectives said they went into the place after 1 o'clock yesterday morning, saw a number of people there, ordered two beers, drank and paid a dime for them.

"We gave the money to Koenegess, the waiter, and arrested him and the proprie-tor," said Cummings. The waiter explained to the Court that there was a wedding party in the place at the time and he thought the in the place at the time and he thought the detectives were guests and served them. When one of them gave him a dime he thought it was a tip and put it in his pocket.

thought it was a tip and put it in his process, he said.

"It didn't go into his pocket. It wept into the cash register. I heard the register ring," declared Harnett.

"Why, I have no cash register in my place, so how could he hear it ring?" put in the proprietor.

The Magistrate called Sergt. Van Keuren. his probation man, and sent him out to the cafe to see. The policeman returned and reported that there was no register in the

"This case is dismissed." announced the But there was an excise violation," put in Cummings.
"I have decided this case. You may step down," ruled the Magistrate with consider-

SMOKE KILLS MAN AND BOY. Mother Escapes With Younger Children by

Jumping From Window. OTTAWA, Dec. 29 .- In a bad fire here early o-day F. Desloges and his little boy were both fatally burned. A lamp upset, the mother getting two children away safely on

jumping from an upper window. When the fireman got to the room where the father was sleeping with two other ohil-dren they were in time to save a girl, but the father and boy were both suffocated. The father died in the building, the boy a few hours after being taken to the hos-

The girl is badly burned, but will recover

Conductor Murdered Over a Carfare SAN FRANCISCO, Dec. 29.-In a dispute over a carfare to-day Arthur Sassaman a conductor, was shot and instantly killed Bonaventura Arcieri, an Italian candy-iker. Arcieri tendered a transfer which the conductor said was not good. Pas-sengers declared that the murder was un-provoked.

